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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 STATE OF WASHINGTON,

15 Defendant.

CASE NO. C70-9213

Subproceeding No. 17-02

STIPULATION AND MOTION SETTING
BRIEFING SCHEDULE AND
POSTPONING REQUIREMENTS OF RULE
16 PENDING DECISION ON MOTIONS
TO DISMISS

16 The undersigned parties (“Moving Parties”) stipulate as follows and jointly move for
17 the relief set out below. The Moving Parties have inquired of all parties and have not been
18 informed that any party to this action opposes entry of the order below.

19 1. In this action, the Muckleshoot Tribe seeks to establish additional usual and
20 accustomed fishing areas, as described in the Request for Determination [Dkt. 3].

21 2. Several tribal parties intend to file motions to dismiss and/or summary judgment
22 motions regarding the claims asserted in the Request for Determination (the “Motions”). The
23 Moving Parties anticipate that motions addressing threshold issues (including those related to
24 finality of prior decisions and/or issues regarding the sufficiency of any meet and confer
25 pursuant to Paragraph 25 of the Permanent Injunction) will be brought at this time. However,
26 the Moving Parties do not intend to foreclose any party from bringing any summary judgment

STIPULATION AND MOTION SETTING BRIEFING SCHEDULE
AND POSTPONING REQUIREMENTS OF RULE 16 PENDING
DECISION ON MOTIONS TO DISMISS - 1
(Case No. C70-9213 / Sub No. 17-02)

GARVEY SCHUBERT BARER
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1 motion based on facts disclosed in discovery conducted during this subproceeding.

2 3. The Moving Parties believe that consideration of the Motions is appropriate
3 before the parties and the Court expend their resources on discovery.

4 4. The Moving Parties have conferred with each other, and agree the Court should
5 order the following relief:

6 a. The Motions shall be filed on or before October 13, 2017, and shall be
7 noted for consideration on December 15, 2017.

8 b. Any party to this action desiring to join any of the Motions and/or to file
9 a brief containing argument in support of the Motions shall do so no later
10 than October 27, 2017.

11 c. Responsive materials in opposition to the Motions shall be filed on or
12 before November 27, 2017.

13 d. Reply materials shall be filed on or before December 15, 2017.

14 e. The parties shall confer with each other no later than September 25, 2017
15 on appropriate page limits for all briefs, and shall present a motion to the
16 Court for consideration on or before September 29, 2017 regarding page
17 limitations for all briefs.

18 f. The deadlines and other requirements set out in the Court's order of July
19 14, 2017 (Dkt. 5), and all other deadlines (including any deadline to file
20 responses or answers to the Request for Determination) are vacated. The
21 Court will enter a new order after resolution of the dispositive Motions.

22 5. The Moving Parties stipulate to entry of the order below.

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DATED this 10th day of August, 2017.

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STIPULATION AND MOTION SETTING BRIEFING SCHEDULE
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27 **ORDER**

28 Based on the foregoing stipulation, and for good cause shown,

29 IT IS SO ORDERED on this 11th day of August 2017.

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31 RICARDO S. MARTINEZ
32 CHIEF UNITED STATES DISTRICT JUDGE